

Schindler, Pam**From:** Valerie Roche [valerie.roche@gmail.com]**Sent:** Thursday, March 05, 2009 2:32 PM**To:** Schindler, Pam**Subject:** Testimony in favor of House Bill 372, for Friday morning's hearing

SENATE JUDICIARY

EXHIBIT NO. 4

DATE 3/6/09

BILL NO. HB 372

Mr. Chairman and members of the Committee, Good morning.

My name is Valerie Roche and I want to tell you what happened to me almost exactly a year ago today.

Last winter, I was sent notice that I was part of the jury pool for the Municipal Court of Bozeman. Since I was a full-time caregiver and nursing mom, I responded with an affidavit explaining that I could not serve without some accommodation that would allow me to feed my son. My request for a deferment was summarily denied. No accommodations were offered nor information provided on how I might be able to serve on a jury while continuing to breastfeed my baby, Clyde.

Clyde and I had never been apart for more than four hours. I had no idea how I would be able to feed him or relieve my need to nurse in the court setting.

My mind raced: could my child be brought to me at regular intervals? Would the breaks be long enough to allow me to nurse? Would I be afforded a private room in which to nurse or, if worse came to worse, pump? Would my child get the nutrition and comfort he needed without me? These are the kind of worries that breastfeeding jurors face. Many babies won't take bottles or can't tolerate formula. Many mothers have difficulty using a breastpump, can compromise their milk supply, or become painfully blocked and feverish if they don't nurse consistently. Nursing cannot be turned on and off like a faucet: it is a delicate process that must be nurtured and protected.

As bad luck would have it, on the day I was called to jury duty, my childcare was late. I asked my provider to meet me at the courthouse, so that I would be on time for jury duty. Unfortunately, she still hadn't arrived when we potential jurors were called into the

courtroom. I apologized to the Judge for Clyde's presence and assured him that childcare was on its way.

When Clyde began to fuss, the Judge had him taken from my arms and removed from the courtroom by a stranger. As soon as Clyde was taken from my sight, he began to scream. I sat in the courtroom in torment, in physical pain from being separated from my crying child. Moments later, I was notified that my caregiver had arrived. I was handing off the keys to my car -- so that Clyde could be taken home in a safe and legal car seat, and I could remain and fulfill my duties to the court -- when the Judge excused me from the jury and ordered me to return "to look at a contempt charge."

When I returned for my hearing, the Judge convicted me of *criminal* contempt of court, levied hundreds of dollars of fines against me, and sentenced me to 24 hours in jail. I feel very lucky that he suspended my time behind bars.

Mine is an extreme example of how swiftly and severely law-abiding caregivers can be punished when they are called to jury duty and alternative care is not readily available. My experience highlights how current Montana law offers no guidance or support for nursing mothers called to jury duty. Denying their requests for deferments is tantamount to ordering nursing mothers to wean. I weaned Clyde after my experience, knowing that I could be called again at any time.

The Montana State Legislature has acknowledged the primacy of nursing for the health and development of young children by enacting laws that protect the rights of breastfeeding mothers in our communities and in the workplace. The time has come to extend these rights by granting nursing mothers and other primary caregivers an exemption from compulsory jury service.

I was punished financially and emotionally for trying to meet my dual responsibilities as a citizen and as a caregiver. My hope is that Montana will pass a law that will protect nursing mothers and the essential work of those who care for others.